

Application No. 10/027,988  
Amendment dated February 28, 2006  
Reply to Office Action of November 28, 2006

Docket No.: 5286-0101PUS1

**AMENDMENTS TO THE DRAWINGS**

The attached 45 sheets of Replacement drawings are for Figs. 6 to 50.

### **REMARKS**

Claims 1-17 are pending in this application. Claims 1, 15 and 17 are independent. In light of the Remarks included herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-6 under 35 U.S.C. § 112 (second paragraph). The Examiner further rejected claims 1-6, 8-9, 11-12, and 14 under 35 U.S.C. § 102(e) as being anticipated by *Posner* (U.S. Patent Application Publication No. 2003/0208435); and rejected claims 7, 10, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Posner* in view of *Moulinet et al.* (U.S. Patent Application Publication No. 2001/0032172). Applicants respectfully traverse these rejections.

### **Claim Rejections –35 U.S.C. § 112**

The Examiner rejected claims 1-6 under 35 U.S.C. § 112, second paragraph asserting the term “client computer” is indefinite. It is respectfully submitted that one of ordinary skill in the art, when reading the claims in light of the specification, would fully appreciate what the term “client computer” means and as such, Applicants maintain that the claims do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. It is respectfully requested that the outstanding rejection be withdrawn.

### **Claim Rejections – under 35 U.S.C. § 102**

In support of the Examiner’s rejection of claim 1, the Examiner admits that *Posner* fails to explicitly disclose searching a resource database storing resource data relating to available

resources using a search template to identify and select the available resources suitable for completing the project defined by the statement of work. The Examiner asserts that *Posner* discloses if the vendor applies “RFP under consideration,” then the marketing lead evaluates the request for proposal and possibly consults with others within the organization and then decides whether or not to proceed with the proposal and response thereto, citing paragraph 41. The Examiner asserts it is within reason to conclude that the marketing lead consults with others within the organization to identify available resources suitable for completing the project defined by the RFP before creating a proposal. Applicants respectfully disagree that these assertions satisfy the Examiner’s burden in establishing *prima facie* anticipation.

In order to properly anticipate Appellant’s claimed invention under 35 U.S.C. §102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. §2131 (8th Ed., Aug. 2001), quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, “[t]he elements must be arranged as required by the claim.” M.P.E.P. §2131 (8th ed. 2001), p. 2100-69.

The Examiner admits that *Posner* fails to teach or suggest searching a resource database. As such, the Examiner has failed to provide a reference that teaches or suggests all of the claim elements. As *Posner* fails to teach or suggest all the claim elements, Applicants respectfully submit that *Posner* fails to anticipate the present invention as set forth in claim 1. As such, it is respectfully requested that the outstanding rejection be withdrawn.

In addition, the Examiner appears to equate *Posner's* disclosure of a marketing lead consulting with others within the organization anticipating the claimed element of searching a resource database storing resource data relating to available resources using a search template. However, there is no reasonable interpretation of *Posner's* disclosure in paragraph 41 as relied upon the Examiner that is directed to searching a resource database storing resource data relating to available resources using a search template as recited in the claim. As such, Applicants maintain that *Posner* fails to teach or suggest searching a resource database and thus, fails to anticipate the present invention as set forth in claim 1. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-14 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that newly added claims 15 and 17 include elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 28, 2006

Respectfully submitted

By 

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Attachments